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December 8, 2009

RECEIVED

DEC 08 2009

**PUBLIC SERVICE
COMMISSION**

Jeff DeRouen
Executive Director
Kentucky Public Service Commission
P.O. Box 615
211 Sower Boulevard
Frankfort, KY 40601

*RE: MCI Communications, Inc. et al v. Windstream Kentucky East, LLC et al
Case No. 2007-00503*

Dear Mr. DeRouen:

Enclosed please find an original and ten copies of Verizon's Motion to Lift Stay and For Revised Procedural Schedule.

Please indicate receipt of these filings by placing your file stamp on the extra copies and returning to me via our runner.

Very truly yours,

STOLL KEENON OGDEN PLLC

Douglas F. Brent

DFB:

Enclosures

cc: Service List

571328.1

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION RECEIVED

In the matter of:

DEC 08 2009

PUBLIC SERVICE COMMISSION

MCImetro Transmission Access Services LLC,)
MCI Communications Services, Inc.,)
Bell Atlantic Communications, Inc.,)
NYNEX Long Distance Company,)
TTI National, Inc.,)
Teleconnect Long Distance Service & Systems)
and Verizon Select Services, Inc.)

Case No. 2007-00503

Complainants)

vs.)

Windstream Kentucky West, Inc.,)
Windstream Kentucky East, Inc. - Lexington,)
and Windstream Kentucky East, Inc. - London)

Defendants)

MOTION TO LIFT STAY AND FOR REVISED PROCEDURAL SCHEDULE

Complainants hereby request that the Commission lift the temporary stay it imposed six months ago and reissue a procedural schedule to continue this proceeding. As shown below, Windstream should have no further objection to participating in this case, and a revised scheduling order is needed to restart this long-delayed proceeding.

On March 30, 2009, Commission Staff issued its first Request for Information to Verizon. Staff also issued information requests to Windstream and the intervenors. Verizon and the intervenors filed timely responses. Windstream did not serve any information requests, nor did it respond to requests from the Commission or the parties. Instead, Windstream filed an interlocutory appeal in the Franklin Circuit Court and on May 8, 2009 moved the Commission to

temporarily stay its procedural schedule “until such time as the Court issues its initial ruling.” Motion at 3.

Windstream’s motion for a temporary stay included the pledge to abide by future orders of the Commission: “Should the Court rule in favor of the Commission, this brief delay will not harm the Complainants and will ensure that all of the parties will have the full opportunity to prepare and serve information requests and to answer same.” *Id.*

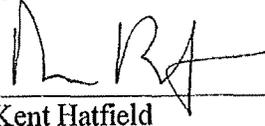
On June 12, 2009 the Commission stayed this matter “pending the final resolution of the action before the Franklin Circuit Court.”

The Circuit Court action is now finally resolved. On October 19, 2009 the Court issued an Opinion and Order finding that the Commission has jurisdiction to hear Verizon’s administrative complaint. Then, on December 1, 2009 the Court denied Windstream’s Motion to Issue or Maintain Injunctive Relief Pursuant to CR 65.08, finding that further delay will harm Verizon, the Commission, and the public. The Court’s order removes any possible objection that Windstream could have had when it filed its motion at the Commission last May. Verizon’s complaint has now been pending for two years—there is no reason to delay matters any longer.

WHEREFORE, Verizon respectfully requests that the Commission promptly lift its stay and reset the procedural schedule. Verizon also requests that the Commission permit one round of data requests after the filing of testimony. A proposed procedural schedule is attached.

Dated: December 8, 2009

Respectfully submitted,



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NYNEX Long Distance Company, TTI National,
Inc., Teleconnect Long Distance Service & Systems
and Verizon Select Services, Inc.

Proposed Procedural Schedule

Windstream to respond to initial requests for information from the Commission
and Intervenors no later than..... 01/22/10

Second requests for information shall be exchanged between the parties
and filed with the Commission no later than 02/05/10

Responses to second requests for information shall be exchanged between
the parties and filed with the Commission no later than..... 02/19/10

Prefiled Direct Testimony, if any, in verified prepared form, shall be filed
no later than..... 03/10/10

Third requests for information shall be exchanged between the parties
and filed with the Commission no later than 03/19/10

Responses to third requests for information shall be exchanged between the
parties and filed with the Commission no later than..... 04/02/10

Prefiled Rebuttal Testimony, if any, in verified prepared form, shall
be filed no later than 04/14/10

Public Hearing To be determined

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Petition for Confidential Protection was served via U.S. mail, first-class, postage prepaid, this 8th day of December, 2009, upon the following persons:

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